

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	
)	
KE GU,)	
)	No. 14 CR 319-2
Defendant,)	
)	Judge Kendall
and)	
)	
FIDELITY SERVICE COMPANY, INC.)	
a/k/a FIDELITY INVESTMENTS, et al.)	
)	
Third-Party Respondent.)	

MOTION FOR TURNOVER ORDER

The United States of America, by Joel R. Levin, Acting United States Attorney for the Northern District of Illinois, moves for a turnover order, and in support states as follows:

1. The court entered a restitution judgment against defendant Ke Gu on February 7, 2017. As of May 11, 2017, Gu has an outstanding balance of \$308,387.07.

2. The United States may use any federal or state procedure to enforce the judgment. 18 U.S.C. §§ 3613(a) and (f). A citation to discover assets directed to the respondent Fidelity Service Company, Inc. a/k/a Fidelity Investments was issued on March 28, 2017, and Gu was served on March 30, 2017, with statutory notice.

3. Third-party citation respondent Fidelity answered the citation to discover assets on May 10, 2017. A copy of the answer is attached as Exhibit A. Fidelity served Gu with a copy of the answer as reflected in paragraph 8 of the answer. Fidelity stated that at the time the citation was served it had in its possession or under its control, property belonging to Gu. Based upon Fidelity's answer, the United States is entitled to the current value of the 401(K) profit sharing

plan, about \$96,036.93, which represents Gu's nonexempt property being held by the respondent.
18 U.S.C. § 3613(a) and 26 U.S.C. § 6334.

4. The Clerk of the Court collects all payments on monetary penalties imposed in criminal cases; accordingly, all payments should have "No. 14 CR 319-2" written in the lower left corner of the check and be submitted to: Clerk of the Court, U.S. District Court, Northern District of Illinois, 219 South Dearborn Street, 20th Floor, Chicago, Illinois 60604.

5. The United States has provided all notices required by law.

WHEREFORE, the United States requests entry of a turnover order directing the respondent, Fidelity Service Company, Inc. a/k/a Fidelity Investments, to submit to the Clerk of the Court the current value of Gu's 401(K) profit sharing plan, about \$96,036.93, to be applied to his outstanding judgment.

Respectfully submitted,

JOEL R. LEVIN
Acting United States Attorney

By: s/ Scott D. Heffron
SCOTT D. HEFFRON
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Chicago, Illinois 60604
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EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

United States of America)

No. 14 CR 319-2

v.)

Judge Kendall

Ke Gu,)

Defendant,)

and)

Fidelity Service Company, Inc. a/k/a Fidelity Investments,)

Third Party Citation Respondent.

ANSWER OF THIRD PARTY CITATION RESPONDENT

I, Symmanu Abdul-Hasib, the Sr. Legal Ops Analyst of Respondent, Fidelity Management Trust Co. Fidelity Brokerage Services LLC, state

under penalty of perjury as follows:

The Respondent is a company organized under the laws of the State of Massachusetts (partnership, corporation)

On 3/29/17, Respondent was served with the Third Party Citation to Discover Assets. With respect to the judgment debtor, Ke Gu, on the day Respondent was served with the Citation, Respondent had in its possession or control the following property of the judgment debtor:

1. Financial Accounts

Account 1

Account type: Individual Brokerage
Account No.: XXX-XX4802
Amount: \$ 0
Amount withheld: \$ 0

Account 2

Account type: Roth IRA
Account No.: XXX-XX6800
Amount: \$ 1,438.82
Amount withheld: \$ 1,438.82

Account 3

Account type: Rollover IRA
Account No.: XXX-XX0268
Amount: \$ 5,111.67
Amount withheld: \$ 5,111.67

Account 4

Account type: _____
Account No.: _____
Amount: \$ _____
Amount withheld: \$ _____

Please return to: United States Attorney's Office, Financial Litigation Unit, 219 South Dearborn Street, 5th Floor, Chicago, Illinois 60604

48 49 -012389-032917 013 032917 1349EST

2. Safety Deposit Box

N/A

Box No.:

Amount: \$

Owners other than the judgment debtor:

3. Detail other personal property in the respondent's possession or control:

N/A

4. Are there prior garnishments or other court-ordered withholdings which are presently in effect including, but not limited to child support and alimony?

Yes ___ No ☒

If the answer is yes, describe below.

5. Does the Respondent have custody, control or possession of any property, other than accounts, safety deposit boxes or other personal property, now owed or to be paid in the future, in which the judgment debtor has an interest?

Yes ___ No ☒

If yes, please describe below (continue on additional sheets if necessary):

6. Check and complete the applicable line below if you deny that you hold property subject to this Citation to Discover Assets.

___ The Respondent has the following objections, defenses, or set-offs to the United States' right to apply Respondent's indebtedness to defendant to the United States' claim:

___ On the date the Respondent was served with the Citation to Discover Assets, Respondent was not indebted or under liability to the defendant, and/or did not have in its possession or control any assets, income or other property belonging to Respondent, or in which the defendant has an interest.

7. The original Answer must be delivered in person or sent by first-class mail to the United States Attorney's Office, Financial Litigation Unit, 219 South Dearborn Street, 5th Floor, Chicago, Illinois 60604.

Please note all assets held in securities are subject to market conditions. Accounts are restricted pending receipt of a currently and originally certified court order directing FMTC to either liquidate assets to satisfy the judgment or release the accounts to the account owner.

8. The Respondent mailed a copy of this Answer by first-class mail to:

Please return to: United States Attorney's Office, Financial Litigation Unit, 219 South Dearborn Street, 5th Floor, Chicago, Illinois 60604

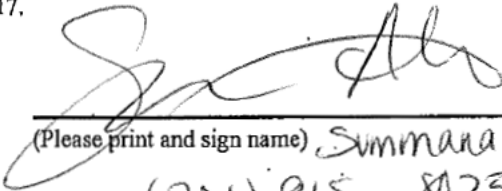
(A) the defendant, Ke Gu, at

Naperville, IL

VERIFICATION

Pursuant to 28 U.S.C. § 1746, I verify under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of April, 2017.


(Please print and sign name)

Summana Abdul-Hasib

Phone No. (201) 915-8025

Please return to: United States Attorney's Office, Financial Litigation Unit, 219 South Dearborn Street, 5th Floor,
Chicago, Illinois 60604

48 48-012389-032917 015 032917 1349EST



May 2, 2017

Joel R. Levin
United States Attorney
U.S. Department of Justice
219 South Dearborn Street, Fifth Floor
Chicago, IL 60604

Key Reference Information

Document Reference: Subpoena dated 03/28/2017

Re: Ke Gu

Plan Sponsor: Tradlink LLC

Fidelity Reference Number: W043322-30MAR17

Case/Cause No: 14 CR 319-2

Case Name: United State of America v. Ke Gu

To Whom It May Concern:

This letter acknowledges receipt of the document referenced above. Fidelity Workplace Services, LLC ("Fidelity") provides administrative recordkeeping services to qualified employee benefit plans which are maintained by plan sponsors and are subject to the Internal Revenue Code of 1986, as amended, and the Employee Retirement Income Security Act of 1974, as amended. These services are provided in accordance with the administrative procedures and plan rules established by the Plan sponsor.

Enclosed please find the following information in response:

- A copy of Ke Gu's statement for the Tradelink LLC 401(k) Profit Sharing Plan from May 1, 2014 to May 1, 2017
- Additionally, please be advised that pursuant to the terms of the Citation, a disbursement restriction has been placed on Ke Gu's account in the Plan. The restriction prohibits Mr. Howard from taking any distributions or loans from her account in the Plan
- Notarized Declaration

This is the only information requested for Ke Gu that Fidelity Workplace Services, LLC has in its records and it is being provided in lieu of a personal appearance.

If further assistance is required in this matter, please submit your request in writing to the following address:

Fidelity Workplace Services, LLC
PO Box 770003
Cincinnati, OH 45277-0070

Sincerely,

A handwritten signature in black ink, appearing to read "Kristy L. Couturier".

Kristy L. Couturier
Legal Document Administration
Fidelity Workplace Services, LLC

**TRADELINK LLC 401(K) PROFIT
SHARING PLAN****Retirement Savings Statement**

May 1, 2014 - May 1, 2017

A

KE GU

NAPERVILLE, IL

For information virtually 24 hours a day call:
1-800-835-5097
Internet Address: <http://netbenefits.401k.com>
Representatives are available 8:30 AM - 8:00 PM

Your Account Summary

Beginning Balance	\$43,598.75
Your Contributions	52,300.00
Change in Market Value	138.18
Ending Balance	\$96,036.93

Additional Information

Vested Balance	\$96,036.93
Dividends & Interest	\$138.18

Your Personal Rate of Return

This Period	0.2%
Year to Date	0.1%

Your Personal Rate of Return is calculated with a time-weighted formula, widely used by financial analysts to calculate investment earnings. It reflects the results of your investment selections as well as any activity in the plan account(s) shown. There are other Personal Rate of Return formulas used that may yield different results. Remember that past performance is no guarantee of future results.

Your Asset Allocation

Short-Term 100%

Your account is currently allocated among the asset classes specified above. Percentages and totals may not be exact due to rounding.

Market Value of Your Account

Displayed in this section is the value of your account for the statement period, in both shares and dollars.

<i>Investment</i>	<i>Shares on 04/30/2014</i>	<i>Shares on 05/01/2017</i>	<i>Price on 04/30/2014</i>	<i>Price on 05/01/2017</i>	<i>Market Value on 04/30/2014</i>	<i>Market Value on 05/01/2017</i>
Short-Term Investments					\$43,598.75	\$96,036.93
FMMT Retire Gov II	43,598.750	96,036.930	\$1.00	\$1.00	43,598.75	96,036.93
Account Total					\$43,598.75	\$96,036.93

Remember that a dividend payment to fund shareholders reduces the share price of the fund, so a decrease in the share price for the statement period does not necessarily reflect lower fund performance.

Please read this statement carefully. Any error must be reported to Fidelity Investments within 90 days.

0001 20170502 K100

DECLARATION OF EMPLOYEE OF CUSTODIAN OF RECORDS

The undersigned declares:

1. Fidelity Investments is a trade name for a group of separate but affiliated services companies, one of which, Fidelity Workplace Services Company, LLC. ("Fidelity"), provides administrative recordkeeping services to employer-sponsored qualified retirement plans.
2. I am an employee of Fidelity, the duly authorized custodian of these records.
3. I have authority to certify these records.
4. The copies transmitted are true copies of the original records described in the interrogatories.
5. The records referred to above were kept and prepared by personnel of Fidelity with knowledge of said records, in the ordinary course of business, at or near the time of the acts, conditions or events recorded.

Executed May 2, 2017 at Merrimack, New Hampshire.

I declare under penalty of perjury that the foregoing is true and correct.

Signature: Krista L. Costumes

Print Name: Kristy L. Couturier

Title: Legal Document Administration

STATE OF NEW HAMPSHIRE)
County of Hillsborough)

On this 2nd day of May, 2017, before me, the undersigned notary public, personally appeared Kristy L. Couturier proved to me through satisfactory evidence of identification, which were personal knowledge of identity, to be the person whose name is signed on the preceding document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

Notary Public: BSM

My Commission Expires: June 18, 2019

KEVIN J. GAFFNEY, Notary Public
My Commission Expires June 18, 2019